

(B) utilizing such information as is available, the general condition of each levee; and  
 (C) an estimate of the number of structures and population at risk and protected by each levee that would be adversely impacted if the levee fails or water levels exceed the height of the levee.

**(3) Availability of information**

**(A) Availability to Federal, State, and local governmental agencies**

The Secretary shall make all of the information in the database available to appropriate Federal, State, and local governmental agencies.

**(B) Availability to the public**

The Secretary shall make the information in the database described in paragraph (2)(A), and such other information in the database as the Secretary determines appropriate, available to the public.

**(b) Inventory and inspection of levees**

**(1) Federal levees**

The Secretary, at Federal expense, shall establish an inventory and conduct an inspection of all federally owned and operated levees.

**(2) Federally constructed, nonfederally operated and maintained levees**

The Secretary shall establish an inventory and conduct an inspection of all federally constructed, non-federally operated and maintained levees, at the original cost share for the project.

**(3) Participating levees**

For non-Federal levees the owners of which are participating in the emergency response to natural disasters program established under section 701n of this title, the Secretary shall establish an inventory and conduct an inspection of each such levee if the owner of the levee requests such inspection. The Federal share of the cost of an inspection under this paragraph shall be 65 percent.

(Pub. L. 110–114, title IX, §9004, Nov. 8, 2007, 121 Stat. 1290.)

**“SECRETARY” DEFINED**

Secretary means the Secretary of the Army, see section 2 of Pub. L. 110–114, set out as a note under section 2201 of this title.

**§ 3304. Limitations on statutory construction**

Nothing in this chapter shall be construed as—

(1) creating any liability of the United States or its officers or employees for the recovery of damages caused by an action or failure to act; or

(2) relieving an owner or operator of a levee of a legal duty, obligation, or liability incident to the ownership or operation of a levee.

(Pub. L. 110–114, title IX, §9005, Nov. 8, 2007, 121 Stat. 1290.)

**§ 3305. Authorization of appropriations**

There is authorized to be appropriated to the Secretary to carry out this chapter \$20,000,000 for each of fiscal years 2008 through 2013.

(Pub. L. 110–114, title IX, §9006, Nov. 8, 2007, 121 Stat. 1291.)

**“SECRETARY” DEFINED**

Secretary means the Secretary of the Army, see section 2 of Pub. L. 110–114, set out as a note under section 2201 of this title.

**CHAPTER 47—OCEAN EXPLORATION**

**SUBCHAPTER I—EXPLORATION**

Sec.	
3401.	Purpose.
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3405.	Ocean Exploration Advisory Board.
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**SUBCHAPTER II—NOAA UNDERSEA RESEARCH PROGRAM**

3421.	Program established.
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**SUBCHAPTER I—EXPLORATION**

**§ 3401. Purpose**

The purpose of this subchapter is to establish the national ocean exploration program and the national undersea research program within the National Oceanic and Atmospheric Administration.

(Pub. L. 111–11, title XII, §12001, Mar. 30, 2009, 123 Stat. 1417.)

**SHORT TITLE**

Pub. L. 111–11, title XII, §12101, Mar. 30, 2009, 123 Stat. 1419, provided that: “This part [part II (§§ 12101–12107) of subtitle A of title XII of Pub. L. 111–11, enacting subchapter II of this chapter] may be cited as the ‘NOAA Undersea Research Program Act of 2009’.”

**§ 3402. Program established**

The Administrator of the National Oceanic and Atmospheric Administration shall, in consultation with the National Science Foundation and other appropriate Federal agencies, establish a coordinated national ocean exploration program within the National Oceanic and Atmospheric Administration that promotes collaboration with other Federal ocean and undersea research and exploration programs. To the extent appropriate, the Administrator shall seek to facilitate coordination of data and information management systems, outreach and education programs to improve public understanding of ocean and coastal resources, and development and transfer of technologies to facilitate ocean and undersea research and exploration.

(Pub. L. 111–11, title XII, §12002, Mar. 30, 2009, 123 Stat. 1417.)

**§ 3403. Powers and duties of the Administrator**

**(a) In general**

In carrying out the program authorized by section 3402 of this title, the Administrator of the

National Oceanic and Atmospheric Administration shall—

(1) conduct interdisciplinary voyages or other scientific activities in conjunction with other Federal agencies or academic or educational institutions, to explore and survey little known areas of the marine environment, inventory, observe, and assess living and non-living marine resources, and report such findings;

(2) give priority attention to deep ocean regions, with a focus on deep water marine systems that hold potential for important scientific discoveries, such as hydrothermal vent communities and seamounts;

(3) conduct scientific voyages to locate, define, and document historic shipwrecks, submerged sites, and other ocean exploration activities that combine archaeology and oceanographic sciences;

(4) develop and implement, in consultation with the National Science Foundation, a transparent, competitive process for merit-based peer-review and approval of proposals for activities to be conducted under this program, taking into consideration advice of the Board established under section 3405 of this title;

(5) enhance the technical capability of the United States marine science community by promoting the development of improved oceanographic research, communication, navigation, and data collection systems, as well as underwater platforms and sensor and autonomous vehicles; and

(6) establish an ocean exploration forum to encourage partnerships and promote communication among experts and other stakeholders in order to enhance the scientific and technical expertise and relevance of the national program.

**(b) Donations**

The Administrator may accept donations of property, data, and equipment to be applied for the purpose of exploring the oceans or increasing knowledge of the oceans.

(Pub. L. 111–11, title XII, § 12003, Mar. 30, 2009, 123 Stat. 1417.)

**§ 3404. Ocean exploration and undersea research technology and infrastructure task force**

**(a) In general**

The Administrator of the National Oceanic and Atmospheric Administration, in coordination with the National Science Foundation, the National Aeronautics and Space Administration, the United States Geological Survey, the Department of the Navy, the Mineral Management Service, and relevant governmental, non-governmental, academic, industry, and other experts, shall convene an ocean exploration and undersea research technology and infrastructure task force to develop and implement a strategy—

(1) to facilitate transfer of new exploration and undersea research technology to the programs authorized under this subchapter and subchapter II of this chapter;

(2) to improve availability of communications infrastructure, including satellite capabilities, to such programs;

(3) to develop an integrated, workable, and comprehensive data management information processing system that will make information on unique and significant features obtained by such programs available for research and management purposes;

(4) to conduct public outreach activities that improve the public understanding of ocean science, resources, and processes, in conjunction with relevant programs of the National Oceanic and Atmospheric Administration, the National Science Foundation, and other agencies; and

(5) to encourage cost-sharing partnerships with governmental and nongovernmental entities that will assist in transferring exploration and undersea research technology and technical expertise to the programs.

**(b) Budget coordination**

The task force shall coordinate the development of agency budgets and identify the items in their annual budget that support the activities identified in the strategy developed under subsection (a).

(Pub. L. 111–11, title XII, § 12004, Mar. 30, 2009, 123 Stat. 1418.)

**§ 3405. Ocean Exploration Advisory Board**

**(a) Establishment**

The Administrator of the National Oceanic and Atmospheric Administration shall appoint an Ocean Exploration Advisory Board composed of experts in relevant fields—

(1) to advise the Administrator on priority areas for survey and discovery;

(2) to assist the program in the development of a 5-year strategic plan for the fields of ocean, marine, and Great Lakes science, exploration, and discovery;

(3) to annually review the quality and effectiveness of the proposal review process established under section 3403(a)(4) of this title; and

(4) to provide other assistance and advice as requested by the Administrator.

**(b) Federal Advisory Committee Act**

Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board appointed under subsection (a).

**(c) Application with Outer Continental Shelf Lands Act**

Nothing in subchapter<sup>1</sup> supersedes, or limits the authority of the Secretary of the Interior under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

(Pub. L. 111–11, title XII, § 12005, Mar. 30, 2009, 123 Stat. 1418.)

REFERENCES IN TEXT

Section 14 of the Federal Advisory Committee Act, referred to in subsec. (b), is section 14 of Pub. L. 92–463, which is set out in the Appendix to Title 5, Government Organization and Employees.

The Outer Continental Shelf Lands Act, referred to in subsec. (c), is act Aug. 7, 1953, ch. 345, 67 Stat. 462, which is classified generally to subchapter III (§ 1331 et seq.) of chapter 29 of Title 43, Public Lands. For complete clas-

<sup>1</sup> So in original. Probably should be preceded by “this”.

sification of this Act to the Code, see Short Title note set out under section 1331 of Title 43 and Tables.

#### **§ 3406. Authorization of appropriations**

There are authorized to be appropriated to the National Oceanic and Atmospheric Administration to carry out this subchapter—

- (1) \$33,550,000 for fiscal year 2009;
- (2) \$36,905,000 for fiscal year 2010;
- (3) \$40,596,000 for fiscal year 2011;
- (4) \$44,655,000 for fiscal year 2012;
- (5) \$49,121,000 for fiscal year 2013;
- (6) \$54,033,000 for fiscal year 2014; and
- (7) \$59,436,000 for fiscal year 2015.

(Pub. L. 111–11, title XII, § 12006, Mar. 30, 2009, 123 Stat. 1419.)

#### **SUBCHAPTER II—NOAA UNDERSEA RESEARCH PROGRAM**

#### **§ 3421. Program established**

##### **(a) In general**

The Administrator of the National Oceanic and Atmospheric Administration shall establish and maintain an undersea research program and shall designate a Director of that program.

##### **(b) Purpose**

The purpose of the program is to increase scientific knowledge essential for the informed management, use, and preservation of oceanic, marine, and coastal areas and the Great Lakes.

(Pub. L. 111–11, title XII, § 12102, Mar. 30, 2009, 123 Stat. 1419.)

#### **SHORT TITLE**

This subchapter known as the “NOAA Undersea Research Program Act of 2009”, see Short Title note set out under section 3401 of this title.

#### **§ 3422. Powers of program Director**

The Director of the program, in carrying out the program, shall—

- (1) cooperate with institutions of higher education and other educational marine and ocean science organizations, and shall make available undersea research facilities, equipment, technologies, information, and expertise to support undersea research efforts by these organizations;
- (2) enter into partnerships, as appropriate and using existing authorities, with the private sector to achieve the goals of the program and to promote technological advancement of the marine industry; and
- (3) coordinate the development of agency budgets and identify the items in their annual budget that support the activities described in paragraphs (1) and (2).

(Pub. L. 111–11, title XII, § 12103, Mar. 30, 2009, 123 Stat. 1419.)

#### **§ 3423. Administrative structure**

##### **(a) In general**

The program shall be conducted through a national headquarters, a network of extramural regional undersea research centers that represent all relevant National Oceanic and Atmospheric Administration regions, and the National Institute for Undersea Science and Technology.

##### **(b) Direction**

The Director shall develop the overall direction of the program in coordination with a Council of Center Directors comprised of the directors of the extramural regional centers and the National Institute for Undersea Science and Technology. The Director shall publish a draft program direction document not later than 1 year after March 30, 2009, in the Federal Register for a public comment period of not less than 120 days. The Director shall publish a final program direction, including responses to the comments received during the public comment period, in the Federal Register within 90 days after the close of the comment period. The program director shall update the program direction, with opportunity for public comment, at least every 5 years.

(Pub. L. 111–11, title XII, § 12104, Mar. 30, 2009, 123 Stat. 1419.)

#### **§ 3424. Research, exploration, education, and technology programs**

##### **(a) In general**

The following research, exploration, education, and technology programs shall be conducted through the network of regional centers and the National Institute for Undersea Science and Technology:

- (1) Core research and exploration based on national and regional undersea research priorities.
- (2) Advanced undersea technology development to support the National Oceanic and Atmospheric Administration’s research mission and programs.
- (3) Undersea science-based education and outreach programs to enrich ocean science education and public awareness of the oceans and Great Lakes.
- (4) Development, testing, and transition of advanced undersea technology associated with ocean observatories, submersibles, advanced diving technologies, remotely operated vehicles, autonomous underwater vehicles, and new sampling and sensing technologies.
- (5) Discovery, study, and development of natural resources and products from ocean, coastal, and aquatic systems.

##### **(b) Operations**

The Director of the program, through operation of the extramural regional centers and the National Institute for Undersea Science and Technology, shall leverage partnerships and cooperative research with academia and private industry.

(Pub. L. 111–11, title XII, § 12105, Mar. 30, 2009, 123 Stat. 1420.)

#### **§ 3425. Competitiveness**

##### **(a) Discretionary fund**

The Program shall allocate no more than 10 percent of its annual budget to a discretionary fund that may be used only for program administration and priority undersea research projects identified by the Director but not covered by funding available from centers.

**(b) Competitive selection**

The Administrator shall conduct an initial competition to select the regional centers that will participate in the program 90 days after the publication of the final program direction under section 3423 of this title and every 5 years thereafter. Funding for projects conducted through the regional centers shall be awarded through a competitive, merit-reviewed process on the basis of their relevance to the goals of the program and their technical feasibility.

(Pub. L. 111–11, title XII, § 12106, Mar. 30, 2009, 123 Stat. 1420.)

**§ 3426. Authorization of appropriations**

There are authorized to be appropriated to the National Oceanic and Atmospheric Administration—

(1) for fiscal year 2009—

(A) \$13,750,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) \$5,500,000 for the National Technology Institute;

(2) for fiscal year 2010—

(A) \$15,125,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) \$6,050,000 for the National Technology Institute;

(3) for fiscal year 2011—

(A) \$16,638,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) \$6,655,000 for the National Technology Institute;

(4) for fiscal year 2012—

(A) \$18,301,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) \$7,321,000 for the National Technology Institute;

(5) for fiscal year 2013—

(A) \$20,131,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) \$8,053,000 for the National Technology Institute;

(6) for fiscal year 2014—

(A) \$22,145,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) \$8,859,000 for the National Technology Institute; and

(7) for fiscal year 2015—

(A) \$24,359,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) \$9,744,000 for the National Technology Institute.

(Pub. L. 111–11, title XII, § 12107, Mar. 30, 2009, 123 Stat. 1420.)

## CHAPTER 48—OCEAN AND COASTAL MAPPING INTEGRATION

Sec.	
3501.	Establishment of program.
3502.	Interagency committee on ocean and coastal mapping.
3503.	Biennial reports.
3504.	Plan.
3505.	Effect on other laws.
3506.	Authorization of appropriations.
3507.	Definitions.

**§ 3501. Establishment of program****(a) In general**

The President, in coordination with the Interagency Committee on Ocean and Coastal Mapping and affected coastal states, shall establish a program to develop a coordinated and comprehensive Federal ocean and coastal mapping plan for the Great Lakes and coastal state waters, the territorial sea, the exclusive economic zone, and the continental shelf of the United States that enhances ecosystem approaches in decision-making for conservation and management of marine resources and habitats, establishes research and mapping priorities, supports the siting of research and other platforms, and advances ocean and coastal science.

**(b) Membership**

The Committee shall be comprised of high-level representatives of the Department of Commerce, through the National Oceanic and Atmospheric Administration, the Department of the Interior, the National Science Foundation, the Department of Defense, the Environmental Protection Agency, the Department of Homeland Security, the National Aeronautics and Space Administration, and other appropriate Federal agencies involved in ocean and coastal mapping.

**(c) Program parameters**

In developing such a program, the President, through the Committee, shall—

(1) identify all Federal and federally-funded programs conducting shoreline delineation and ocean or coastal mapping, noting geographic coverage, frequency, spatial coverage, resolution, and subject matter focus of the data and location of data archives;

(2) facilitate cost-effective, cooperative mapping efforts that incorporate policies for contracting with non-governmental entities among all Federal agencies conducting ocean and coastal mapping, by increasing data sharing, developing appropriate data acquisition and metadata standards, and facilitating the interoperability of in situ data collection systems, data processing, archiving, and distribution of data products;

(3) facilitate the adaptation of existing technologies as well as foster expertise in new ocean and coastal mapping technologies, including through research, development, and training conducted among Federal agencies and in cooperation with non-governmental entities;

(4) develop standards and protocols for testing innovative experimental mapping tech-